

REMARKS

Claims 13-32 are pending. By this Amendment, claims 13 and 27 are amended, and claims 31 and 32 are added. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

At the outset, Applicants appreciate the courtesies extended by Examiner Castellano during a brief telephonic interview conducted on February 8, 2010. The substance of the telephonic interview is discussed below.

The drawings were objected to based on perceived inconsistencies between Figure 1 and Figure 2. The Examiner is correct in that several elements that are shown in Figure 1 are not shown in Figure 2. However, Figure 2 as indicated in the specification is a sectional view of a detail of the crockery basket shown in Figure 1. Thus, Figure 2 only includes various details relating to the manner in which the fixing element or ladder device 4 is connected to the horizontal member 2 and the vertical wire 1. In addition, Figure 2 somewhat schematically demonstrates the rack 3 and its ability to be positioned at various different heights corresponding to the positions of the hook-shaped holding elements 5. Thus, as discussed with Examiner Castellano during the February 8 telephonic interview, many details from Figure 1 have been omitted from Figure 2 in order to best explain and focus on these features.

Reconsideration and withdrawal of the objection are respectfully requested.

Claims 13-24 and 27-30 were rejected under 35 U.S.C. §112, first paragraph. Applicants respectfully traverse these objections as the drawings and/or specification provide support for what is claimed. However, in order to address the Examiner's concerns, claim 13 has been amended to specify that the holding elements are secured on the common edge along a single side of the framework, rather than along only one side of the framework. In addition, claim 27 has been amended to change the word "engageable" to "abuttable" in accordance with the Examiner's suggestion.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 13-15, 17, 23 and 24 were rejected under 35 U.S.C. §102(b) over Pendergrast, Jr. (U.S. Patent No. 3,137,251). This rejection is respectfully traversed.

Claim 13 is directed to a crockery basket comprising a framework for retaining items to be washed, the framework including a common edge, at least one rack for engaging items to be washed to support the retention of such items relative to the framework, and a plurality of holding elements for holding the at least one rack at different height positions on the crockery basket, the plurality of holding elements being secured on the common edge along a single side of the framework, wherein said holding elements remain secured to the framework when the rack is disengaged from the holding elements and the rack is moved from one of the holding elements to another of the holding elements to change the height position.

In the Office Action, the Examiner indicates that holding elements include at least bars 34 and 40 which are best shown in Figure 4 for example. However, bars 34 and 40 do not remain secured to the framework when the rack is disengaged from the holding elements and the rack is moved from one of the holding elements to another of the holding elements to change the height position. Instead, bars 34 and 40 are connected to one another by short vertical bars 44, and move along with the entire assembly 28.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 13-20, 22-24, 27 and 30 were rejected under 35 U.S.C. §102(b) over Smith (U.S. Patent No. 5,480,035). This rejection is respectfully traversed.

In regard to independent claim 13, Smith clearly does not teach or suggest that the plurality of holding elements are secured on the common edge along a single side of the framework. As shown in Smith Figure 1, the holding elements 117 are required to be positioned on opposite sides of the framework and in fact could not work if they were secured on the common edge along a single side of the framework as set forth in claim 13.

In regard to claim 27, Smith does not teach or suggest that the rack include a supporting clip to form a mechanical stop abuttable with a vertical wire of the framework when the rack is in the generally horizontal position. In the Office Action, the Examiner takes the position that rod 26 shown in Figures 5-7 forms a mechanical stop that abuts elements 56 and 57. However, while rod 26 may abut either element 56 or 57, rod 26 does abut with the framework. Rather, elements 56 and 57 are provided as part of the

holding elements. However, to even more particularly distinguish this feature, claim 27 specifies that the mechanical stop is abuttable with a vertical wire of the framework.

Clearly, elements 56 and 57 are not vertical wires of the framework.

Reconsideration and withdrawal of the rejection are respectfully requested.

New claims 31 and 32 are provided for the Examiner's consideration.

Claim 31 specifies a crockery basket comprising a framework to retain items to be washed, the framework including a vertical wire, at least one rack to engage items to be washed to support the retention of such items relative to the framework, said rack including a pivot pin about which the rack may be pivoted, and at least one holding element to hold the at least one rack at different height positions on the crockery basket, the at least one holding element being secured to the framework. The holding element includes a pair of arms that straddle the vertical wire, each of the arms extending inside the framework and including a hook-shaped member to support the pivot pin. This subject matter is clearly shown in Figures 1 and 2 of the present application in which the holding elements include a pair of hook-shaped arms that straddle a vertical wire.

Neither Smith nor Pendergrast, Jr. teaches or suggests this subject matter.

Applicants respectfully requests entry of the present Amendment. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned.

Respectfully submitted,

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